

Prepared August 9, 2004

**ARTICLE \_\_\_\_.** TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAW BY ADDING THE FOLLOWING NEW SECTION 9.3A, ENTITLED "PERFORMANCE STANDARDS FOR MAJOR COMMERCIAL PROJECTS AND MAJOR RETAIL PROJECTS":

**9.3A SPECIAL PERMIT PERFORMANCE STANDARDS FOR MAJOR COMMERCIAL PROJECTS AND MAJOR RETAIL PROJECTS**

**9.3A.1 Purpose.** The following performance standards have been adopted in order to control the size, scale, and impacts of Major Commercial Projects and Major Retail Projects which require a special permit for use from the Planning Board. The specific purposes of this Section are:

**1. Lighting.** The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall (i) reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; (ii) conserve energy and decrease lighting costs without decreasing night time safety, security, and productivity; and (iii) preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

**2. Noise.** The proposed development shall not unreasonably interfere with the reasonable use and enjoyment of property within the Town as a result of the generation of noise. Practices and systems shall (i) reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities of the Town; (ii) preserve property values; and (iii) preserve neighborhood character.

**3. Landscaping and Screening.** The proposed development shall maximize and retain open space, and shall be integrated into the natural landscape, shall minimize adverse environmental impacts to such features as wetlands, floodplains, and water resource protection recharge areas and shall minimize tree, vegetation, soil removal, and grade change. Proposed landscaping shall require native and drought-tolerant species and prohibit invasive or nonnative plants.

**4. Stormwater Management.** The proposed development shall include adequate provisions or measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, prevent changes in

groundwater levels, increased run-off and potential for flooding, and minimize adverse impacts to neighboring properties by flooding from excessive run-off.

**5. Site Development Standards.** To the extent practicable, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the subdivision and the Town.

**6. Pedestrian and Vehicular Access; Traffic Management.** The proposed development and/or redevelopment shall be designed (i) minimize hazards to public health and safety as a result of traffic; (ii) provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; (iii) provide off-site traffic mitigation, where required, to offset the impact of the development; (iv) reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and (v) minimize the impact on scenic roads, historic districts, natural resources, and community character. The Development shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, or property.

**7. Community Character.** The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood.

**8. Utilities; Security; Emergency Systems.** The proposed development shall be adequately served by public or private utilities, security systems, and emergency systems.

**9. Fiscal Analysis.** The proposed Development shall maintain a positive net fiscal position for the long term, giving consideration to revenue estimates and actual growth in municipal service costs induced by the proposed Development.

**9.3A.2 Procedures; Rules and Regulations.** Applicants for special permits for Major Commercial Projects or Major Retail Projects shall submit an application on a form prescribed by the Planning Board. The Planning Board may adopt rules and regulations for the administration of such special permits. The Planning Board may require the establishment of an escrow account, pursuant to M.G.L. c. 44, s. 53G,

to cover all or part of the cost of the technical review required by the project, including services provided by, but not limited to, attorneys, traffic engineers, landscape architects, civil engineers, lighting engineers, fiscal analysts, and other professionals.

**9.3A.4 Standards.** The following standards shall apply to applications for special permits for Major Commercial Projects or Major Retail Projects:

**1. Lighting.**

**A. Shielding.** All outdoor light fixtures shall be shielded so as to meet the goals of this Section.

**B. Light Trespass.** Direct light from the light source is to be confined within the property boundaries.

**C. Light Intensity.** Outdoor lighting shall be of substantially minimum intensity needed at the particular time.

**D. Illuminated Surfaces.** Preferred surfacing for lighted areas shall be of materials such as blacktop which reflect a relatively small fraction of incident light. Parking area lighting shall be reduced or eliminated outside business hours. The Planning Board may require an electrical configuration for parking lots which support shut off for specific unused areas to reduce the impact from lighting.

**E. Searchlights.** The operation of laser shows or searchlights for advertising purposes is prohibited; provided however, that same may be authorized for a period of not more than fourteen days by special permit issued by the Planning Board.

**F. Indoor Lighting.** Indoor light sources will not be projected outside in a manner to defeat the intent of this bylaw.

**G. Sodium Vapor or Metal Halide Lighting.** No outdoor light fixtures using sodium vapor or metal halide lamp or lamps shall be allowed unless specifically authorized by the Planning Board in the special permit.

**H. Outdoor Signs.** Outdoor light fixtures used to illuminate an outdoor sign shall be mounted on top of the sign structure or otherwise restricted to prevent up-light and light trespass.

**I. Flickering and Flashing Lights.** No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

**J. Height of Fixtures.**

(1) *Wall Mounted Fixtures.* Luminaires attached to a building for area lighting shall be mounted no higher than fifteen (15) feet above grade;

(2) *Pole Mounted Fixtures.* Pole mounted exterior lighting fixture types shall be mounted no higher than 18 feet above grade.

**K. Hours of Operation.** Except as may be deemed appropriate for site safety or security, all external lighting, including lighting accessory to authorized signs, shall be extinguished one half hour after the facility is closed for the business day. Such lighting may be timed to resume one half hour prior to the arrival of the first employee on the premises.

**2. Noise**

**A. Hours of Operation.** As a condition of any special permit, the Planning Board may incorporate the following conditions regarding hours of operation:

(1) The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or other objects or materials for sale or storage or use in a manner that causes a condition of noise pollution at any time but most specifically between the hours of seven post meridian (7:00 P.M.) and seven ante meridian (7:00 A.M.) across a real property boundary in any district established under the Zoning By-law.

(2) Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work between the hours of seven post meridian (7:00 P.M.) and seven ante meridian (7:00 A.M.) on week days or at any time on Sundays or Holidays so that the sound creates a condition of noise pollution across a real property boundary.

(3) The operation of construction devices between the hours of seven ante meridian (7:00 A.M.) and seven post meridian (7:00 P.M.) including such items as compressors, jackhammers, bulldozers,

cranes, etc., in a manner that causes a condition of noise pollution that could be avoided by the application of best available technology, which might include mufflers where commercially available.

**B. Ambient Noise Level.** No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70 dBA or 10 dBA above ambient, whichever is lower, when measured at the property boundary of the receiving land use.

**3. Landscaping.** To the extent these requirements exceed those set forth in Section 5.0 of this By-law, these requirements shall control:

**A. Street Buffer Strip.** Except for a required sidewalk, a landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, evergreens and shade trees having a minimum four inches in caliper measured four feet from ground level planted at least every thirty (30) feet along the road frontage. Evergreens and shade trees shall be at least eight feet in height at time of planting. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present an obstruction to sight lines.

**B. District Buffer Strip.** A continuous landscaped buffer strip of at least ten (10) feet in width shall be provided and maintained in perpetuity between business and industrial districts and any residential districts and/or property lines. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species are encouraged and shall be planted at a minimum height of six (6) feet.

**C. Large Parking Areas.** Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots of at least nine (9) feet in width with no more than 20 parking spaces between each island or plot. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic. Other traffic calming measures such as crosswalks, bikelanes, rumble-strips and landscape islands may be required as necessary.

**D. Fencing.** Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the Planning Board.

**E. Retaining Walls.** Retaining walls shall be constructed to a maximum height of four (4) feet. If site conditions require elevation changes of greater than four (4) feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be solid fieldstone or fieldstone veneer or other similar material. Except within the Industrial Districts, vertical cast in place concrete or concrete blocks shall not be permitted.

**F. Berms.** The Planning Board may require a berm or berms in appropriate circumstances to promote the goals of this section.

**G. Unsightly Uses and Areas.** Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

**H. Maintenance.** All landscaping features, structures and areas shall be properly maintained. A requirement that Dead shrubs or trees shall be replaced within one growing season should be a condition of approval.

#### **4. Stormwater Management.**

**A. Consistency with the Massachusetts Stormwater Management Policy.** All development shall comply with the Department of Environmental Protection's (DEP) Stormwater Management Policy (including Phase II Stormwater Management requirements), to ensure that the rate of surface water run-off from the site shall not be increased after construction.

**B. Dry Wells.** Dry wells shall be used only where other methods are infeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.

**C. Conservation Commission.** Where applicable, no special permit shall be issued unless a report shall have been received from the Conservation Commission or the Planning Board's agent that the storm drainage system is consistent with DEP Stormwater Management Policy and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surge in those

storm drainage lines which serve the project and are consistent with the standards of the Town.

**D. Temporary Measures.** During the construction phase, temporary diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as may be necessary may be required by the Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed according to Best Management Practices, such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 3:1.

**E. Erosion and Sedimentation Control.** Erosion and sedimentation controls shall be constructed in accordance with the DEP Stormwater Guidance manual. Topsoil and loam storage areas shall be subject to these standards.

(1) Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.

(2) Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 3:1 or exceed 10 feet in height. During the months of October through March when seeding and sodding may be impractical, anchored mulch may be applied at the Board's discretion.

(3) The mouths of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.

(4) During construction, the applicant shall be required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after severe storm events.

## **5. Site Development Standards.**

**A. Land Disturbance.** Site/building design shall preserve natural topography, reduce unnecessary land disturbance and preserve natural drainage on the site.

**B. Replication.** Clearing of vegetation and alteration of topography shall be replicated with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat.

**C. Clearing for Utility Trenching.** Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

**D. Site Design.**

(1) Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape.

(2) Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.

(3) Sites shall be designed in such a way as to avoid unreasonable impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

**E. Archeological or Historical Resources.** The Planning Board may require applicants to submit the proposed development plan to the Westford Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.

**F. Preservation of Existing Vegetation.** Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

(1) Understory vegetation beneath the dripline of preserved trees shall be retained in an undisturbed state.

(2) During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers



shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

**G. Limit of Clearing.** Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading.

(1) In order to minimize the clearing and grading on a site associated with construction activities such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, such activities shall be limited to areas already planned for permanent structures.

(2) Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

**H. Finished Grade.** Finished grades should be limited to no greater than a 3:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. The design of grade changes at the base of existing large trees shall be subject to the approval of the Planning Board or its agent.

**I. Phasing of Development.** The Planning Board may limit the extent of a site exposed at any one time through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

**J. Revegetation.** Proper revegetation techniques shall be employed during construction using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Revegetation shall occur on cleared sites within 7 (seven) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species.

**K. Topsoil.** A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

**L. Irrigation.** The Planning Board may require that water for the purpose of irrigation shall be provided by an onsite well, after consultation with the Water Department.

**M. Restoration.** Following work on the site, all excavated areas shall be restored by grading to provide for drainage and for slopes not to exceed one

foot vertical to three feet horizontal, and by covering with six inches of topsoil, and by planting with cover vegetation. The Planning Board may require a performance bond to be posted in an amount sufficient to ensure satisfactory completion of all of the requirements set forth above. The work shall be completed in its entirety prior to release of the bond.

## **6. Pedestrian and Vehicular Access; Traffic Management**

**A. Access.** To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following: (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises.

(1) Access via roadways abutting residential districts shall be avoided where possible.

(2) Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.

(3) Access shall be obtained from existing driveways where such access is safe and efficient. Where two or more access ways now exist, the Planning Board may limit access to the more safe and efficient location.

**B. Driveways.** Each development shall be served by an adequate driveway.

(1) The Planning Board may, in certain circumstances, allow additional driveways as a condition of approval where a driveway is shared or the project has frontage on two separate streets.

(2) All driveways shall be designed to afford adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements shall be required on the public way for vehicular turning movements in or out of the site to ensure safe access to adjoining sidewalks, paths, walking trails or bikeways.

**C. Curb Cuts.** Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 30 feet in width unless waived by the Planning Board for commercial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets shall provide

for the convenience and safety of vehicular and pedestrian movement at the site. The number of curb cuts on state and local roads shall be minimized.

**D. Interior Circulation.** The proposed development shall ensure safe interior circulation within its site by accommodating and separating pedestrian, bike ways, and vehicular traffic and ensure safe access to all users of the buildings.

**E. Transportation Plan Approval.** The proposed development shall be subject to a Transportation Plan approved by the Planning Board. The Transportation Plan shall be prepared by a qualified traffic consultant and consist of the following information:

(1) A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

(2) A traffic study, detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet or in excess of 20 peak hour vehicle trips, the required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The Planning Board shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

(3) Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

(4) For proposed development in excess of 25,000 gross square feet or a proposed development with more than 20 peak hour vehicle trips as determined by the town's traffic engineer, the applicant shall submit a Traffic Management Component (TMC) as part of the Transportation Plan. The TMC shall provide information on the number of expected person trips to and from the site, broken down by various travel modes (e.g., single occupancy vehicle, carpool, walk, bicycle, commuter rail, shuttle bus, etc.). The TMC shall also incorporate one or more of the following techniques to reduce the number of single

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occupancy vehicle trips by employees coming to and departing from the proposed use:

- a. Establishment of or contribution to a Traffic Management Association (TMA) within the region, which shall provide shuttle services for employees and other services as may be appropriate;
- b. Employee carpools or vanpools sponsored by the employer or the TMA;
- c. Employers may be required to periodically provide employees with train schedules;
- d. On-site shower facilities and/or bicycle racks for employees who do not drive to work;
- e. Other techniques as may be deemed appropriate by the Planning Board or its traffic consultant.

**F. Reduction in Parking.** In consideration of the applicant providing one or more of the above measures to reduce vehicular traffic to and from the site, the Planning Board may reduce the number of required parking spaces below what would ordinarily be required by Section 5.1 of this bylaw. To be considered for such a reduction, the applicant's traffic engineer shall determine and justify the parking demand for the project, as well as reduction in needed parking spaces attributable to each traffic management measure.

**G. Level of Service Maintenance or Improvement.**

The suggested Level of Service (LOS) of intersections impacted by the traffic generated by the development shall be:

- 1) For newly constructed floor area, LOS "D" or better
- 2) For all other projects subject to special permit– present LOS if present level of service is "D" or lower.

Where such suggested standard is not met, or where a proposed project will result in an increase of 10 seconds of delay to a signalized intersection, the PB may require the applicant to provide detailed plans (including reconstruction concepts) that when implemented would result in a intersection LOS as set forth above, or a return to existing conditions, whichever is applicable.

**H. Dangerous Intersections.** The Planning Board may require safety improvements for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.

**I. Sight Distance.** Adequate sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances as detailed in the Town of Westford Traffic and Pedestrian Safety Manual.

**J. Maximum Parking.** The maximum parking allowed for a development shall be no more than the minimum number of spaces required under zoning.

**K. Pedestrian and Bicycle Safety.** Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

(1) All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the Planning Board.

(2) Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.

(3) All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.

(4) The Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use in conformance with the general guidelines in the Route 110 Master Plan, Sidewalk Master Plan, and other Master Plans as adopted by the Town.

(5) Sidewalks, crosswalks, walkways, bikeways or other pedestrian access shall be provided to allow connections to existing crosswalks, walkways, bikeways, etc. on adjacent properties and between individual businesses within a development.

(6) If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

**L. Location of Parking Areas.** Where feasible, the Planning Board may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The Planning Board may require alternative studies of parking lot layouts. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveways to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses

**M. Parking in Required Front Setback.** The Planning Board may prohibit parking within the required building front setback.

**N. Traffic Calming Features.** Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.

## **7. Community Character.**

**A. Compatibility with Neighborhood.** The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or potential development of abutting properties, with natural and built environment in the area and the surrounding neighborhood, with consideration to be given to the following:

- (1) harmony in scale, bulk, massing, architectural character, building materials, placement and density;
- (2) generation of traffic and the capacity of surrounding streets;
- (3) consistency with the goals and objectives of the Town of Westford Master Plan and with any other applicable plan that has been adopted by the Town.

## **8. Utilities; Security; Emergency Systems**

Projects may not overburden town infrastructure services including water, gas, electricity and waste water systems. Building design may make use of water-conserving plumbing and minimize the amount of stormwater runoff through the use of best management practices for storm water management. Further, buildings may be designed to make use of natural and energy resources efficiently in construction, maintenance, and long term operation of the building, including

supporting mechanical systems that reduce the need for mechanical equipment generally and its location on the roof specifically. Compliance with the Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards shall be encouraged.

**A. Wastewater Treatment and Disposal.** The Planning Board shall require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Westford Board of Health.

**B. Water.** There shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the Town.

**C. Site Security.** There shall be a certification by the Police Chief that the petitioner has provided a written plan for site security, which plan has been approved by the Police Chief.

**D. Underground.** All electrical, cable and telecommunications services shall be installed underground.

**E. Fire Alarm System.** There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under applicable codes, regulations, and statutes enforce by the Fire Chief.

## **9. Fiscal Analysis.**

**A. Analysis.** The applicant shall provide an analysis of fiscal costs from the development, including increases in marginal costs, assessment of the capacity of existing municipal facilities to serve the new development, and, by order of magnitude, share of capital costs if improvements are needed.

**B. Schools and Housing.** The applicant shall identify an order of magnitude estimate as to the extent to which this development would generate the additional need for schools and affordable housing.

**9.3A.5 Exemptions.** The following are exempt from these special permit standards:

**A. Emergency Response.** Emergency responses performed by a private entity or a public agency and fire or burglar alarms.

**9.3A.6 Waiver of Standards.** The Planning Board may, in the course of granting a special permit for the project, waive any of these performance standards where such waiver is not inconsistent with public health and safety, and where such waiver does not undermine the purposes of this section and the proposed development will serve the goals and objectives set forth in Section 9.3A.1.

**9.3A.7 Mitigation: Conditions.** During the public hearing, the applicant may propose specific design alternatives and/or off-site improvements to municipal facilities to meet the performance standards. Where such proposal is acceptable to the Planning Board, such design alternatives and improvements may be incorporated as a condition in the special permit, if granted. Where such mitigation is required, the Planning Board may impose reasonable conditions, including, but not limited to, the following:

**A. Timing.** The Planning Board may require that all improvements shall be completed prior to the issuance of either a building permit or a certificate of occupancy for the proposed development. The Planning Board may require that improvements associated with a phased development shall be completed for that phase prior to the issuance of either a building permit or a certificate of occupancy for such phase.

**B. Cost of Improvements.** The required design work and cost of construction and implementation of improvements required as a condition of a special permit shall be the full responsibility of the Applicant.

**C. Cost of Review and Inspection.** The cost of review of plans and the cost of periodic inspection of work during construction shall be the full responsibility of the Applicant and shall be charged in accordance with procedural requirements to be adopted and from time to time, as may be amended by the Planning Board.

**D. Specifications.** All work proposed to improve or upgrade Town utilities and services shall be done according to the specifications established by the Planning Board or the appropriate Town department or official.

**E. Road and Intersection improvements.** All road and intersection improvements proposed as part of development and redevelopment shall be consistent with local plans, including but not limited to the Route 110 Master Plan and the Sidewalk Master Plan.

**9.3A.8 Enforcement.** The Planning Board may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis,



verified by technical peer review. In addition, the Planning Board may require a monitoring program at the applicant's expense for compliance purposes for a time period as may be specified in the special permit.

**OR ACT IN RELATION THERETO.**